

1 **TOWN OF CHESTER**  
2 **PLANNING COMMISSION**

3 **April 4, 2022, Minutes**

4 **Commission Members Present:** Peter Hudkins, Hugh Quinn, Tim Roper, Barre Pinske, and Cathy  
5 Hasbrouck at Town Hall.

6 **Staff Present:** Preston Bristow, Zoning Administrator at Town Hall; and Susan Bailey, Secretary,  
7 via Zoom.

8 **Citizens Present:** Steve Mancuso, Lori Quinn, Chester Telegraph, Jason Rasmussen, Jean-Carlo  
9 McLure, Andrea Ogden, Doug Curtis, and Robert Haussein via Zoom. Arne Jonynas at Town Hall.

10 **Call to Order**

11 Chair Cathy Hasbrouck called the meeting to order at 6:32 p.m. (1:02 on recording)  
12

13 **Decisions Made:**

- 14 • Agreed to the Village Green Updates related to Noise, Changes to the exterior of  
15 buildings, Parking, and Adult Oriented businesses.
- 16 • Agreed to take up the topic of permits for Home Occupation in an upcoming  
17 meeting
- 18 • Agreed to the updates to PC Rules of Procedure
- 19 • Agreed that more discussion is required to determine the best course of action for  
20 Sugar Bob's

21 **Action Items:**

- 22 • Submit ideas and issues and they'll sort the list out and set priorities.

23 **Agenda Item 1, Add or Delete Items on the Agenda, if necessary**

24 Cathy said Preston had put together a one-page discussion of Andrea Ogden's wishes regarding  
25 the Baba A. Louis property. Barre interrupted Cathy and said he didn't want to make a big deal  
26 but thought there was precedent in doing the annual reorganization first since he had been there,  
27 and he thought they also did it with the Selectboard and had done it with Cathy last year. He asked  
28 if there had been a precedent, why weren't they doing it that way?

29 Cathy acknowledged there was a precedent but said it wasn't a rule and she wanted to get the  
30 Village Green amendment settled and ready to send to the Selectboard and it didn't seem fair to  
31 saddle whoever was elected Chair with it if they weren't prepared.

32 Barre said the process of being a Chair and running a meeting was more of a formal process and  
33 was more about running the meeting. He didn't think it mattered who was Chair if she had the  
34 skills to see it through since the Chair was only running the meeting. He again said he didn't want  
35 to make a big deal about it but being a Chair and running a meeting was different than having  
36 something happen because the same members of the board were present, and it would happen  
37 anyway. He said another time that he didn't want to make a big deal about it but was the type of  
38 person who preferred to stick to precedent and wanted it on record, but he really didn't care. He  
39 said when things are done a certain way, and someone changes it without everyone agreeing to do  
40 it, that's more unilateral stuff that goes on and that kind of bugged him.

41 Cathy pointed out the Rules of Procedure say the Chair is responsible for setting the agenda. The

1 last time they elected a Chair, there was none. She and Tim were sharing the responsibilities until  
2 they could hold an election. It made sense to her and reasonable to have the election be first thing.  
3 The Planning Commission isn't like the DRB or Selectboard where someone such as the Town  
4 Manager or the Zoning Administrator, in the case of the DRB, is the person responsible for  
5 gathering the information and presenting it to the members of the board. The Planning Commission  
6 is driven by projects they set up and so far, it's usually been the Chair who puts everything together  
7 and presents it, so it seemed reasonable to her for them to go ahead and have the Chair take care  
8 of the Village Green amendment and then go ahead with the adoption of the Rules of Procedure  
9 and the election. She wanted to put the discussion of the Sugar Bob's/Baba A. Louis parcel after  
10 the election since everyone would be equally prepared to handle it.

11 Steve Mancuso asked for permission to record the meeting. Cathy thought he could since it was a  
12 public meeting. Preston said it was very clear that Steve had every right to record it himself.

13 Cathy asked if anyone wanted to move to discuss the parcel that Sugar Bob's was discussing at  
14 the end of the meeting. Peter moved that after the election, the last item of the meeting should be  
15 Sugar Bob's. Hugh seconded. A vote was taken, and it passed unanimously.

16 **Agenda Item 2, Review Minutes from March 7 and 21, 2022, Meetings**

17 Cathy asked for a motion to review the minutes of March 7<sup>th</sup> and the 21<sup>st</sup>. Peter moved, and Tim  
18 seconded a motion that they review the minutes of March 7<sup>th</sup> and March 21<sup>st</sup>.

19 March 7<sup>th</sup> minutes: Tim noted on page 2, line 35, "Cathy responded to the hierarchy that in not  
20 explained" should be "is not explained." On page 8, line 20, "The members of the Alliance Cathy  
21 she has spoken with are very open." Tim suggested deleting the word she and Cathy agreed. Tim  
22 noted on page 12, line 8 that Bill Lindsay's last name should be added for clarity.

23 March 21<sup>st</sup> minutes: Tim asked a point of order question that since it had been a public hearing,  
24 should the title be Town of Chester Planning Commission Public Hearing on the adoption of the  
25 Village Green zoning amendment? Preston said no that he thought they were minutes. It said  
26 clearly that one of the agenda items was a public hearing because there were things that had  
27 happened other than the hearing. He had seen it normally done that way. Tim said that was fine  
28 and just wondered. Tim noted on page 3, lines 30/31, "Preston said they could check but doubted  
29 she wasn't in violation." Tim questioned if it should be the word was instead of wasn't. Preston  
30 said he doubted she wasn't in violation because her building is higher than 35 feet. The double  
31 negative was the problem. Preston said whatever way they wanted to word it, but he was saying  
32 he doubted the building was more than 35 feet high. It was decided to change it to was. Tim noted  
33 on page 5, line 40, the word delivers should be deliveries. On page 7, line 43 the first full sentence,  
34 "There was quite a bit of information they couldn't find it may seem very elementary...." Tim  
35 didn't know what it was supposed to say. Cathy thought it could be missing an S. Tim suggested  
36 Sue could give a listen.

37

38 A vote was taken, and the minutes were approved, as amended.

39

40 **Agenda Item 4, Prepare Village Green Zoning District Amendment.**

41 (14:12 on recording) Cathy announced the next item on the agenda was preparing the Village  
42 Green Zoning District Amendment for submission to the Selectboard. In the packet, she put a list  
43 of the final potential tweaks to the Village Green Zoning District bylaw amendment on the table  
44 for members when they arrived. They realized number 4 in Supplemental Standards had an extra

1 statement they could make slimmer. She gave them a new set of the bylaw amendment document.  
2 She said they would go through the list.

3 The first item she said they had talked about was changing the quiet hours of 8 p.m. to 7 a.m. for  
4 the Village Green District to 10 p.m. to 7 a.m. because people may make more noise frequenting  
5 the businesses. She asked if anyone had any thoughts about it.

6 Hugh wasn't against it because it was The Green but also at the same time, he tried to imagine  
7 people in and out of a restaurant exceeding the decibels laid out in performance standards. Tim  
8 suggested they may if they have live music. Hugh said that was a good point and others agreed.  
9 Hugh said he would be fine with changing the quiet hours.

10 Cathy asked if the Commission wanted to vote on them individually or together. Tim suggested  
11 discussing them individually and then they could vote.

12 Cathy said Scott MacDonald had suggested finding a way to let people know the Zoning  
13 Administrator would be glad to help them locate off-street parking. It was mainly for property  
14 owners who are not local, and Chester has some. Cathy has spoken to them and assured them the  
15 Zoning Administrator would be happy to help them locate parking for their tenants, if necessary.  
16 She mentioned proposed solutions where Preston had added item e under supplemental standards,  
17 where the DRB could reduce or waive parking requirements. Jason Rasmussen suggested that they  
18 add a note on the zoning application that the Zoning Administrator would be glad to help them  
19 locate parking, if necessary. Her thinking was if the issue would upset a potential buyer, they  
20 would be looking at the bylaws and likely not a zoning application, so she thought they should try  
21 to make the bylaws look less threatening to business. That's where she came up with combining  
22 4d and e into 4d, which said the DRB could modify the off-street parking requirements. Peter,  
23 Hugh, and Tim all said they were fine with that. Tim suggested adding that more off-street parking  
24 or mitigating circumstances weren't a reduction in the number of spaces required for a little clarity.  
25 Barre didn't see an issue with the wording. He's surprised about people who come to Chester and  
26 open a business without doing research ahead of time. He thought if people wanted to do  
27 something, they were motivated to do it. The parking thing wasn't enforceable, and they were  
28 trying to be helpful, so he didn't know that they needed all the wordage. He thought it was nice to  
29 have flexibility or perceived flexibility, but if it took the teeth out of what they were trying to do,  
30 that wasn't good either. Cathy said it did worry one property owner and she pointed out his lawyer  
31 was located across the street, and she had extra parking in her lot, so he calmed down and wasn't  
32 so concerned.

33 Cathy said Scott MacDonald had also brought up the issue of requiring a permit for home  
34 occupation. She sent the other board members a copy of a publication printed in the Vermont  
35 League of Cities and Towns that discusses whether it is reasonable to require a permit for home  
36 occupation and it generally is thought to be reasonable. Another reason to require a permit is the  
37 person who will have the occupation will come into the Zoning Office and talk with the Zoning  
38 Administrator and there will be clarity about what is expected of them when having a business in  
39 a residential area, so it won't detract or have a negative impact on the residential nature of the area.  
40 She thought it was helpful to foster communication like this. The resolution she was suggesting  
41 was that they don't do anything and leave home occupation as a permitted use and people would  
42 go to the Zoning Administrator to get a permit. Tim said they had previously discussed the  
43 possibility of the Selectboard modifying the cost for a home occupation permit to make it easier  
44 to obtain. He thought there was a benefit to the town having the data and a record of people having

1 a permit so if they outgrow their home occupation, they know who to talk to. Barre said they had  
2 discussed the difference between something that is permitted and something that needs a permit to  
3 be permitted and this was one of those things. On the one hand, people on the board were talking  
4 about being business friendly and doing things to eliminate hardship on a business such as  
5 softening the rules for parking because one person complained. When you're talking about a home  
6 occupation, you're talking about someone knitting doilies, selling stuff on eBay, having a paid  
7 podcast, or anything they're doing to generate income in their home is considered a business. He  
8 didn't think requiring a permit for someone doing anything from their home for income was  
9 business friendly and he also thought it was being a little bit nosy or invasive. As he stated at the  
10 last meeting, in most communities, the precedent for establishing a business that's more of a  
11 legitimate business is when they come in for a sign because they're going to create traffic and have  
12 people coming in and they're doing a bigger business. He said a lot of people are making money  
13 doing web stuff now and they're not bugging anyone, and whose business is it? Peter added they  
14 could change the fees and talking about whether they do it or not is something they should put on  
15 a future agenda. They could get lost in there and they needed to get the Village Green done.  
16 Everyone seemed in agreement with that. Barre said sometimes they get caught in the weeds trying  
17 to make everyone happy and they're not getting things done, so he appreciated Peter's comment.  
18 Cathy asked if they could leave home occupation alone. Hugh didn't think it materially changed  
19 any of the wording for The Green, because it was listed as a permitted use. If they decided to  
20 choose in the future to require home occupation folks to get a permit, they could do it separately  
21 without effecting this. Cathy agreed.

22 Cathy said the Village Green was one of two areas where they have some architectural standards  
23 to apply. Currently, it's a conditional use as the bylaw is written and if it's a conditional use, then  
24 they have a hearing and must go through 4.8, the conditional use standards or requirements. Section  
25 4.8.3 she thought was where they have special criteria and listed the standards that need to be met  
26 if you change the appearance of the business. Currently, conditional uses apply if you're changing  
27 the footprint of a building or rebuilding on an old footprint or enlarging. If you're just changing  
28 the trim or painting or something like that, the footprint doesn't change but the appearance does  
29 substantially, they wanted to make sure that people met the special criteria. In e, Supplemental  
30 Standards after the formula business prohibition, she added any changes to the exterior of the  
31 building must follow the architectural standards in Section 4.8.c3.

32 Barre asked if he was there for the discussion relating to when Cathy said, "We felt we should do  
33 this." and when was it discussed. Cathy remembered Peter had brought it up. Peter didn't know  
34 where this phrasing came from, but it came up with his discussion about building standards. Peter  
35 said it kind of answered that question, but he wasn't sure how it would be enforced if someone  
36 changed something. Barre said it was different than what he talked about. He had pictures of his  
37 hometown where they added onto a church and it looked horrible, but it was his opinion. Barre  
38 said he was concerned about the setback so someone couldn't add a hodgepodge thing on the front.  
39 He did not have a concern for anyone's painting of trim or doors or anything like that. Barre asked  
40 if it was part of the Zoning Enforcement Officer's job to enforce architectural standards. Barre  
41 asked what the standards said. He liked the idea of encouraging people to keep the buildings  
42 looking dated like they do now. He said he's been doing modern things to his building but he's not  
43 down on The Green. Peter mentioned his parents raised a whole roof and put a picture window in.  
44 From the inside, it looked great but from the street, it looked like some guys from the 60s propped  
45 it up and put a big picture window on the side of it. Cathy said there were things about the pitch  
46 of the roof or using appropriate material that is generally part of New England architecture. There

1 is siding made of cement board that lasts forever and looks just like the narrow wooden siding.  
2 Peter asked Preston if he could look at it and how he would enforce it. Preston said the criteria is  
3 already in the bylaws but is usually triggered when someone goes for a DRB permit/hearing.  
4 Preston said what they are doing there is just suddenly anybody whether they are getting a permit  
5 or going to the DRB should meet these standards. The obligation would be on him to notice  
6 something was being changed and to notify them and ask what they were doing and tell them they  
7 couldn't make a change that didn't meet the criteria. But it was true it wasn't necessarily triggered  
8 by a permit but that he would have to see they were doing it. Preston said it was such a small and  
9 unique district that he didn't have a problem with it but if it were town-wide, it would be crazy.  
10 Barre liked the idea of it for the Village District and the historic significance of it and the idea of  
11 preservation. The only thing about it was the people had to understand that most of the stuff they  
12 were doing would only apply to people who had a change of use down the road after the business  
13 was changed. This is one thing that would affect the people who are in business there now who  
14 wanted to put in a new door, and they put in a funny looking metal door and Preston says it doesn't  
15 meet the criteria. So, if they do it, they must make sure everyone there is aware and what their  
16 responsibilities are. Cathy said it was a small district and they could certainly send the final version  
17 of the bylaw to the property owners and any business if the property owner is out of town to  
18 whoever is running the business. Barre added not to get too deep in the weeds, but they should  
19 have a letter notifying them of what applies to them and what they should pay attention to. Cathy  
20 asked if there was any liability for them if they didn't include everything. Preston said no because  
21 ignorance of the law was no excuse. Preston said they would rather have people comply than pick  
22 fights. Barre hoped Shawn Cunningham and Cynthia Prairie would put it in The Telegraph, so  
23 people were aware before it went before the Selectboard. He added that people should want to do  
24 it because it's a beautiful area. Cathy added the Selectboard would have to have a public hearing  
25 and would have to warn the hearing.

26 Cathy said the last one on their list was they needed to define adult-oriented businesses because  
27 they added a line to the definition of arts and entertainment facilities. They said the definition does  
28 not include adult-oriented businesses. Jason and Preston pulled up different examples and since  
29 nobody is going to Preston telling him he needs to shut down an adult-oriented businesses on Main  
30 Street and they're not seeing complaints, she thought it sufficient to have a general and polite  
31 definition of adult-oriented business. It was in the definitions before arts and entertainment, as  
32 they're in alphabetical order. She asked if anyone had any reaction or wordsmithing they wanted  
33 to do. Tim asked if it was a standard definition they found somewhere. Cathy said it came from a  
34 book, but she had shortened it because they were defining retail and places that sold movies versus  
35 places that sold books and she didn't think all the differentiation was necessary. They just don't  
36 want a business mostly about sexually oriented material on The Green masquerading as an arts  
37 and entertainment facility. Preston said it was interesting to him that the definitions became very  
38 detailed about specific body parts, and he felt they didn't have a problem yet and it seemed the  
39 internet had reduced the number of establishments and they were kind of including it as insurance  
40 for the future. He and Cathy both thought to make it short like the rest of the definitions. He thought  
41 it was accurate to say they didn't make the words up, but it was shorter. Tim and Hugh thought it  
42 was fine. Cathy asked for any other comments. Preston asked Arne Jonynas, since he had brought  
43 it up, if it was what he was hoping they would say.

44 The Chester telegraph asked, "Wasn't the adult only discussion about products like tobacco,  
45 alcohol, and cannabis?" Cathy said tobacco, alcohol, and cannabis wasn't a zoning bylaw but an

1 ordinance. She said there was an ordinance that Ludlow had written. Zoning bylaws are not  
2 ordinances and they considered integrating that and decided it was too early to do that for Chester.  
3 They didn't really see a reason to complicate what they were looking at currently.

4 Preston said he had participated in a round table discussion where Hugh rather articulately said  
5 there are adult-oriented businesses and then there are age restricted businesses. He said if you were  
6 clumping alcohol, tobacco, and cannabis, which are age restricted, and clump them in with strip  
7 clubs, they get very offended. The idea was not to put them all under one name. Hugh said from  
8 everything he's read so far, there are groups trying to deal with age restricted businesses like  
9 tobacco, firearms, alcohol, and cannabis. They don't tend to lump them in with what was  
10 traditionally defined as an adult-oriented business which in the past has always been around the  
11 sex industry. He thought, for now, they should keep it simple and leave the definition true to the  
12 way it has always been thought about. If down the road they need to think about age restricted  
13 businesses for some other reason, that would be a future discussion. Tim agreed. Cathy said it  
14 doesn't mean the door is closed but they're good with it so far. Tim said the age restricted  
15 businesses were also regulated. Cathy agreed. Tim didn't think there was any regulation that  
16 included sexual-oriented businesses.

17 Cathy asked for any other input and there was none.

18 Cathy asked for a motion. Peter then asked what the decision was on noise. Hugh thought they  
19 decided they were okay with expanding the quiet hours. Cathy said they would shrink the quiet  
20 hours and expand the noisy hours. Tim agreed. Hugh said you could make noise longer.

21 Tim said before they made a motion, they should make sure they captured under 4d, the  
22 modifications. Cathy stated she had at the end of the sentence included "warrant a reduction in the  
23 number of spaces required." Tim moved they accept and forward the zoning bylaw amendment to  
24 the Selectboard, as amended, for their public hearing. Peter seconded the motion. A vote was taken,  
25 and it was approved unanimously.

26 **Agenda Item 3, Citizens Comments**

27 (43:25 on recording) Cathy noted she had forgotten the citizens comments. She asked if anyone  
28 wanted to say something about anything that was not on the agenda.

29 Steve Mancuso thanked those who attended the Chester Business Coalition meeting. He was  
30 looking at mostly area business owners and everyone was welcomed aboard. He backed up Barre  
31 with the home business. Steve has been asked many times while handing out CBC cards,  
32 apparently, nobody knows how many home businesses or businesses, in general, exist in Chester.  
33 He felt it may be a duty the Coalition could engage in and possibly be in their back pocket. He  
34 hoped it could be something supportive of you but added not to expect them all to be on the same  
35 page. He said as they went through some of the details, including the Village Green, and Sugar  
36 Bob's, that a lot of the public doesn't understand what's involved. He said they think the board  
37 flips a coin and we can all have rocket launchers on the roof tomorrow. He asked them to expand  
38 and give a little detail on what it takes and all the hoops they must go through at the regional and  
39 state level. He said there was a lot more going on than the public was aware of, and they should  
40 be applauded for their efforts.

41  
42 Scott MacDonald spoke with Preston today about their idea of expanding west with V6 an V4 for  
43 businesses and doing it partially because of Sugar Bob's so they can sell the building more quickly.  
44 Cathy told Scott that it was on the agenda if he could wait to discuss it then. He apologized as he

1 had come in late to the meeting and wasn't aware it was on the agenda.

2  
3 Cathy asked for anymore comments regarding items not on the agenda and there were none.

4  
5 **Agenda Item 5, Review and Adopt PC rules of procedure.**

6  
7 (46:57 on recording) Cathy gave them a copy with a couple minor edits that she wanted to make  
8 for clarity's sake. Tim noted it was item 2e, "In addition notices shall be" and she had crossed out  
9 "posted at the municipal clerk's office." Cathy said they don't generally post them in the clerk's  
10 office but on the wall outside the office. Tim asked if they were also posted on the bulletin board  
11 in front of the town hall and Cathy said yes, as well as the town website. A couple of times they  
12 referred to the body, meaning the Planning Commission and sometimes they used public body.  
13 She wanted to remove the references to public as they seemed random and not meaningful. Hugh  
14 saw the edits and agreed. Preston said the word posted in the municipal clerk's office should be  
15 changed to kept. Tim told Preston it was a good catch. Preston wasn't sure he had seen it before,  
16 but it said it should be approved every year and Cathy was doing that task.

17 Tim said if they were going to talk about points of order, he thought it would be a task for the  
18 reorganized board to take up. He didn't have any objections to what they were asking for. Barre  
19 asked Tim if he was saying that he didn't want to deal with it now. Tim said no that it wasn't a big  
20 deal, and they weren't asking for any major changes. As a point of order, a review of the Rules of  
21 Procedure would logically follow the election and reorganization of the board. Barre said if it was  
22 an annual process, it should happen in order. Cathy thought because they direct them to annually  
23 reorganize, they should address them before they start executing and it seemed logical to her. Tim  
24 wasn't going to make a motion to change anything but was just saying it seemed logical to him to  
25 do it that way.

26 Peter moved to accept them as amended and putting the word posted back in in E2, as it was  
27 stricken. Tim clarified he was only striking "the municipal clerk's office and" on that line. Peter  
28 agreed. Cathy had a copy that they never signed last year. Her copy, she hoped they could sign,  
29 and she asked if it read, "In addition, the notices shall be posted on the interior and exterior bulletin  
30 boards at the town hall and on the town website." Tim and other members said yes. Cathy said she  
31 had the correct wording on the copy she wanted them to sign. Hugh asked if public body was  
32 removed in the two spots she had mentioned, and Cathy said yes. Tim said public body was  
33 removed in e3 and f2 and there was a comma being deleted in the same sentence on f2. Cathy  
34 asked for a motion or if it should be deferred until after the election. Peter had moved and Hugh  
35 seconded. A vote was taken, and the motion passed unanimously.

36 The members signed the document.

37 **Agenda Item 5, Annual Reorganization Meeting**

38 (52:55 on recording) Cathy asked for nominations for Chair. Tim nominated Hugh and Peter  
39 seconded the motion. There were no other nominations. A vote was taken, and the motion passed  
40 unanimously. Cathy was very glad and thought it was a great idea and a good use of talent. She  
41 knew that some people had a hard time imagining that a recording secretary could become a chair  
42 of a commission. She was hoping that would ease that problem and was looking forward to where  
43 they went with Hugh in the future and told him that he had all her support. Tim thanked Cathy and  
44 knew she worked hard over the past year. He said it was a thankless job and thanked her. Cathy

1 thanked Tim. She asked for nominations for Vice Chair and Hugh nominated Tim. There were no  
2 other nominations. A vote was taken, and the motion passed unanimously.

3 Hugh assumed the role of Chair and wanted to echo Tim's sentiments. He thanked Cathy for  
4 getting them through the last year which was a tough year, and a lot was going on. He thought the  
5 work she had done was great and helping them get through the Village Green. He learned a lot the  
6 past year and appreciated everyone's confidence in him being Chair. He wanted to make sure  
7 Cathy knew how much he appreciated everything she had done and everything she taught him the  
8 past year.

9 **Agenda Item 5, Sugar Bob's**

10 (57:24 on recording) Cathy noted that Andrea was there, and Tim said Bob was there also. Hugh  
11 said Preston had sent a letter to everyone on the Planning Commission and he assumed everyone  
12 had a chance to look at it. They had. He asked if anyone wanted to add any color to the discussion  
13 before they got started.

14 Preston said he had heard some comments and wanted it to be clear that he has been given the title  
15 of Town Planner and he thought this was the sort of thing he should do: trying to encourage and  
16 help businesses and removing roadblocks. He had suggested, but it was okay if it wasn't the right  
17 suggestion to go forward with, but it was just something that he thought could get things going in  
18 a direction. He said there continued to be the feeling that they were doing a favor for one business  
19 and his feeling was the Planning Commission should say it was a good direction to go even if the  
20 Sugar Bob deal doesn't happen. It was his perspective that Sugar Bob's gives a reason for them to  
21 focus on it.

22 Peter said his perspective was he agreed it was an area they should focus on and had already looked  
23 at elevations of the sewer manhole and thought sewer could be run all the way out to Blue Hill  
24 Road, he thought, without any trouble unless you ran into ledge. The last manhole is 9 feet deep.  
25 When they looked at the Village Green, they took the time to look at the whole area. He wanted to  
26 see details addressed. For instance, it could be moved down to half acre zoning, but they have it  
27 in one district that if you're under a certain size, you're going to be on the sewer. He wanted to see  
28 that on there. He thought they needed more users on the sewer for the whole thing to work for the  
29 town and to expand it. He said the sewer there was in a good place and off on the shoulder and the  
30 road wouldn't need to be dug up to put it down there. You could say you wanted half acre lots  
31 down there and the one side toward the river could have a septic in there without too much trouble  
32 because it's probably gravelly. But the other side of the road is likely the clay of that hill and those  
33 people couldn't get one in. It's almost when you do this, there's a few more details about lot size  
34 that he wanted in there and there's uses and things that swap back and forth with the different  
35 districts. The interim bylaw amendment didn't work so what wanted to see work financially is  
36 they're back to something they started to do when they did the interim bylaw which they did a  
37 legacy. Would the legacy make the financing work? He said they would need to hear from their  
38 lawyers and before they jumped through the hoop, if they were to jump through it as quickly as  
39 what they're asking for, he wanted to see a purchase and sales agreement so they're not just  
40 jumping through a hoop to have a business, although a good idea, but he'd like to do it in a manner  
41 that would take care of the details that work back and forth through the whole thing.

42 Hugh wasn't aware there was an issue with the interim bylaw change they made so he asked for  
43 someone to share something about it. Preston said they could let Andrea or Bob speak to it but  
44 their feeling, which made sense to Preston and he asked to put themselves in that position, if they

1 were trying to get financing to purchase the property and the lawyer said you were purchasing it  
2 on the basis of an interim bylaw amendment and your use is limited by a 1995 zoning board  
3 adjustment decision, it is like the property has some baggage and that was the problem. If the  
4 zoning was simply changed, you can ask the DRB for anything, as long as it's what the zoning  
5 allows.

6 Barre thought the problem was a change of use being less than however many years and asked if  
7 it was currently five years. Tim confirmed that it was non-conforming use. Barre said they would  
8 have to buy the building, go out of business, and not be able to sell it within 5 years to have the  
9 interim bylaw affect the deal. Preston disagreed and said the problem was that it was governed by  
10 a 1995 permit. He gave an example of increasing the parking, or put an addition onto the building,  
11 it would still be a non-conforming use and was limiting. Barre was onboard with Peter. Every time  
12 he sees spot zoning, it bugs him. He wanted a clear definition of spot zoning. From his opinion, if  
13 someone wanted to put a gas station somewhere that isn't zoned for it and the town says let's put  
14 it there. Preston said what he wrote was the Vermont Supreme Court's definition of spot zoning.  
15 Barre asked if they applied spot zoning to something that was already existing too and changing it  
16 from the pre-existing thing. He said he hadn't read it. Preston said the Supreme Court's decision  
17 said spot zoning consists of zoning that singles out a single parcel or perhaps even a single lot for  
18 a use classification different from the surrounding area and inconsistent with any comprehensive  
19 plan for the benefit of one owner of such property.

20 Barre said a parcel or lot sounded empty to him. He thought if you put a structure on it, it wasn't  
21 a parcel or lot anymore because it had a structure on it. They have an armory, and they say spot  
22 zoning but it's an existing business that's having a hard time doing anything because it doesn't fit.  
23 He thought the same applied to Baba A. Louis. In his opinion, it was not spot zoning. It was taking  
24 something pre-existing that doesn't fit. He liked the legacy idea because it was there before these  
25 things changed. If they create a legacy thing and change it to those things that are not conforming,  
26 the problem is solved. And they don't have to apply something that applies to an entire area, which  
27 is Preston's solution and not a bad solution, but it requires them to loop in all these other things  
28 over this one thing and that's a bigger thing than just creating legacy zoning and getting it done.  
29 Barre asked if they could just as easily do the legacy thing as drawing a line around here and doing  
30 that because that would be his recommendation. He said he wanted to support them, but he thought  
31 that was the way to do it. He thought by the definition of spot zoning, it was a different thing  
32 because it was an open parcel and not something existing. He asked Preston if that's what he was  
33 trying to do by putting it there.

34 Preston said he put the definition there because it comes up so often and he thought let's put down  
35 what the Supreme Court called it and then people would realize this isn't that. Barre asked Preston  
36 if he was saying because it was a parcel or lot, it wasn't spot zoning. Preston said because they  
37 were looking at changing an entire district. But getting back to Barre's point, Preston said legacy  
38 is their definition of how to deal with non-conforming uses. Preston said they could do a permanent  
39 bylaw change and not an interim bylaw change that was clearer about how legacies are handled.

40 Peter thought it was a good case to test if it was financially viable. Because if they couldn't finance  
41 on it, it would be good to know that. And this was a practical application where if it didn't work,  
42 they could find out. You couldn't go to a bank and have that. Peter wanted to know that and thought  
43 it was a good test case for that.

44 Cathy looked at it as it was a great exercise for them to go through because they were about to

1 look at Village Districts in general and they have already looked at where is the sewer and how  
2 deep is it and how far could they push it. She has looked at eighteen parcels in this chunk that  
3 Preston mapped out. There was quite a variety of parcels from a quarter acre piece to a parcel that  
4 abuts other parcels owned by the same person and it's 87 acres total which is kind of mind boggling  
5 that close to the center of Chester but that's what it is. She thought it was great to go through this  
6 exercise and hoped it helped them move forward. She thought it was moving in a good direction  
7 switching the parcels to Village Center versus where now some of them are R40 and some are  
8 R120. The only thing she was concerned about was they haven't built a master plan for the entire  
9 village and what happens if they make the change and switch to the Village Center District for the  
10 18 parcels and when their master plan is complete, it's not quite the same. She didn't know whether  
11 that would be a problem if the dimensional standards are different, or the use list is different, and  
12 she was curious to know what kind of timeline Andrea and Bob were looking at and could they  
13 coordinate efforts. It would be a good way to move expeditiously to get some major work done  
14 and hopefully bring a very positive business to Chester.

15 Barre thought with respect to what Cathy was saying, if they did the legacy thing, all the other  
16 things could still be applicable to the whole thing. If it gets brought back into that then, it's a legacy  
17 building in a conforming area and that is even better for them. There would be no loss in that.

18 Cathy asked if that meant they need to know from Andrea and Bob whether a firmer more  
19 developed legacy qualification in their bylaws would get them the financing they needed. She  
20 asked if that was the question that arose, and Peter agreed.

21 Robert Haussein, also known as Sugar Bob, said he was happy to clarify or answer any questions.  
22 He thought it was easy to frame it as a Sugar Bob's problem because Sugar Bob rolls off everyone's  
23 tongue, but it was also an issue for the McLures, the current owners of the property who are trying  
24 to sell it. The issue isn't one of pure financing but was one of general financial advice they've been  
25 given. If they invest in this building, however they finance it, is it a good investment for them to  
26 make for their business and the answer is yes, but as a commercial real estate property it is clearly  
27 no because of the constrictions on it. So, any changes that the Planning Commission makes will  
28 benefit them if they buy the building but will certainly benefit the Chester residents, the McLures,  
29 and their ability to sell it to someone else, as well, or to improve its liquidity and historic use as a  
30 production space for food. That's how they were looking at it. He was happy to answer any other  
31 questions. They were looking for improved conditions to make their investment sounder and  
32 anyone's investment in the property in the future.

33 Scott MacDonald asked why they can't just approve the Baba Louis' building or the use that Sugar  
34 Bob's wants to do. He wanted to understand that better because it wasn't a change of use.

35 Hugh said they had made an interim bylaw change a while back that would facilitate the ability  
36 for Sugar Bob's to operate their business out of the Baba Louis' building so that has been handled.  
37 It will require the buyer to underwrite more risk than they may be willing to in terms of that piece  
38 of property as commercial real estate but there's nothing preventing them from buying the building  
39 and opening their business. Hugh said they were talking about more of a strategic plan versus a  
40 tactical plan. There are some tactical measures they've made. One of them was a bylaw to keep  
41 the ball rolling. They have talked about something a little more strategic to create some bylaw code  
42 around legacy uses, so it was more durable and long-lasting. And finally, the strategic point of  
43 view is that maybe something needs to be done in the Village Center District that they would do  
44 more holistically and strategically that would a) solve the problem of the Baba Louis' property

1 but also serve the rest of the Village Center.

2 Scott had a long talk with Preston today and it wasn't a matter of permits. He would be able to run  
3 the business there because there was a food manufacturing and they even had a little café, so he  
4 didn't think it was a change of use. Hugh said he would let Preston address that.

5 Preston said Scott was on the DRB and they were limited by the ZBA decision of 1995 and its  
6 conditions. They have a site plan for the parking, a prohibition against outdoor dining, and a few  
7 other conditions. As a non-conforming use in a district that doesn't allow it would have to come  
8 to the DRB and ask to expand the uses. If Scott could sit on the DRB and say it's not a problem  
9 but for them there is a lot of uncertainty.

10 Scott said he understood, and it reminded him of the husband and wife who moved here from the  
11 Midwest and the took farm that had been used for weddings and receptions. It had laid dormant,  
12 and they were making changes to parking, and they wanted to turn it back into what it was used  
13 for before with a few changes. They came to the DRB, and the DRB saw no problem because it  
14 was closely related, and they worked with the neighbors. The DRB wants people to succeed. He  
15 couldn't speak for the DRB, but he didn't see any stumbling blocks and the DRB probably should  
16 be included. He didn't see it as a change of use. He thought holding it up and saying let's expand  
17 westward with commercial zoning to make it easier when it probably wouldn't be a problem  
18 anyway. It didn't sound logical to him. He asked how far west the proposed change to make it  
19 commercial would be. He asked if it would be all the way to the Stone Hearth Inn. Preston said it  
20 would be Blue Hill Road. Hugh said there was a map that outlined Preston's recommendations of  
21 where it would end. Scott said his biggest concern, as a taxpayer and someone who chose to move  
22 here because he loves Chester the way it is and he understood new business was needed and more  
23 would be wonderful and some things would make the town more complete and he was fine with  
24 that, was there are a lot of fields and acreage as you're heading west and there are homeowners  
25 who bought the properties and you put in zoning that permitted formula stores and franchises and  
26 Dunkin' Donuts and Burger King and they could wind up with Claremont, potentially. He didn't  
27 think it was fair to the people who live there now who moved here and chose the town for a quality  
28 of life. He thought they needed to be careful if they were going to expand commercial zoning  
29 where there could be all kinds of changes to the lifestyle and the culture of the people who live  
30 there. There's probably a smart wonderful way to figure it out, such as lot sizes, height restrictions,  
31 carved wooden signs, the requirements on the Common and Village Green that it must have that  
32 traditional New England feeling. He suggested they consider extending it into the new process  
33 you're thinking about. It would keep the town looking charming and wonderful and would offer  
34 services that might make the town more wonderful and that might also make the people who live  
35 there a little less intruded upon. He was concerned a lot of people's lives and desires about living  
36 may be changed if they didn't put some thought and research into it.

37 Hugh told Scott he appreciated his comments and that they were on the same page with respect to  
38 not making a snap decision and doing something quickly around a single use case.

39 Jason Rasmussen thought it was clearly not a spot zoning situation because Preston's memo  
40 mentioned it was affecting 20 lots. He thought it made sense to look at it more before acting. It  
41 might be slightly expansive, and it might not be completely consistent with the town plan so he  
42 would suggest looking at this district next in relation to the zoning updates. He doesn't have a vote  
43 in the matter, but it was his suggestion.

44 Barre asked Jason for his feeling on the legacy building idea they had discussed and if he had a

1 gut feeling and if other towns had done something similar. He asked if there were examples of  
2 what other towns had done with non-conforming buildings in certain areas to make them work for  
3 what the building is compared to the area that they're in. Jason said certainly there could be  
4 changes to the zoning like they were seeing there. There could also be adaptive re-use standards  
5 to solve the problem. In some cases, they could loosen the non-conforming language in bylaws.  
6 He thought they should consider all those things and see what makes the most sense.

7 Barre asked Jason if they were making up what a legacy building was because Jason hadn't  
8 referenced that. Jason said it wasn't terminology he had used but he understood what they were  
9 saying, and he thought in general the idea with non-conformities is that you want them to go away.  
10 Jason thought in this case, most people would agree they don't want the Baba Louis building to  
11 go away and most people would want to see a viable business there again. He thought it was a  
12 matter of looking at their options and seeing what the best solution was. And he wasn't sure he  
13 knew what that was yet, at this point.

14 Barre hoped the potential buyers got a feeling from them that they were interested in doing  
15 everything they could for the community and that structure and were not trying to have a non-  
16 conforming use that couldn't work in the town that sits there. They were all on the page of doing  
17 the right thing but couldn't just loop in all kinds of things and a quick stamp because of this, we're  
18 going to change all of that.

19 Hugh said on the one hand, as they were finding out, it wasn't something they could solve for in  
20 30 minutes or one night or one meeting because in order to potentially think about how they would  
21 change the Village Center as a district to maybe even include the property to do other things, they  
22 have to do the due diligence to look at setbacks and lot sizes and all the things that go into the  
23 district to make sure for the good of the district what they're trying to do works and that's not  
24 something that can be done in a meeting or a day. It takes a little more time. That was the long  
25 view strategic plan that they should be prioritizing for the next body of work to do with respect to  
26 updating the bylaws. At the same time, if there are other tactical approaches that could be used,  
27 possibly something like a legacy use bylaw code they could dream up or that already exists, and  
28 they just haven't considered. For him, if the timeframe to do the right level of due diligence to  
29 refactor the Village Center was moving out to the right too far, then they would look at tactical  
30 options. He thought it wasn't wise to just go ahead and move the zone boundary line to make this  
31 deal work without doing the rest of the due diligence on the Village Center zone.

32 Hugh passed it to Tim. Tim didn't think there was a whole lot left to say and agreed he would not  
33 be comfortable to make a quick decision on expanding the zoning district without weighing all the  
34 pros and cons of that. From the same time from the business point of view, he understood the  
35 investment question. The fact was they have worked to try to make it a viable business opportunity  
36 by adjusting the existing bylaws. The business would be a non-conforming use under the current  
37 bylaws, but they would receive a permit under the current bylaws.

38 Cathy asked if they would just have the 1995 permit. Preston said if they simply moved into the  
39 building and conducted business as it was before, they wouldn't need a permit. They would just  
40 be simply resuming an existing use. What he was saying is if they wanted to change anything, they  
41 would need to get a permit, they would need to go to the DRB, and because they are not in the  
42 district that allows it, they are very much at the mercy of the DRB who could say yes or no. There's  
43 no presumption of their right to do it.

44 Tim said that's where he was going and there were two separate issues there. As it is, they could

1 move in and do business. Preston agreed. Barre asked Preston if they could get a sign permit.  
2 Preston said they could. Tim said it they could move in and do business as it is, and he thought it  
3 was clear the Planning Commission wanted to accommodate the new business there. Tim said to  
4 decide about that area which he counted 44 properties/lots that would be taken into that zoning  
5 district required more thought and discussion and probably a public hearing. Cathy had counted  
6 and got 18. Preston said he got 20. Cathy said 2 properties own 2 lots each but according to the  
7 listers, they only have one lot but what they have in the surveys recorded in the town, they have  
8 two lots. There are 18 property owners. Tim said when he counted, he had gone back to the Village  
9 Green, which was too far and that's how he had gotten 44. Tim said they would love to have the  
10 business and accommodate but he wasn't comfortable trying to push something through that was  
11 that big of a change in one meeting. He thought and there was agreement that it would take a public  
12 hearing.

13 Hugh said they may want to do based on some of Jason Rasmussen's feedback, they were wrapping  
14 up the Village Green work and were deciding what to focus on next and maybe they will decide  
15 tackling the Village Center District may be sensible. They hadn't had an opportunity to have the  
16 conversation as a commission, but they could certainly do that and figure out if it made sense to  
17 prioritize the Village Center.

18 Jean-Carlo McLure wanted to add some perspective from his view, as his family are the current  
19 owners of the property. When they first applied for the permit, it wasn't zoned the way it is now.  
20 They received the use, which was a non-conforming use that wasn't on the list of approved uses  
21 but there were other commercial uses at the time. Afterwards, it was changed to a non-commercial  
22 space. The change was done by the town after they purchased the property for use as a business.  
23 The way he saw it, it wasn't only to help the town develop more in the future but also to put things  
24 back to involve some uses that were there before and were taken away. He thought at one point  
25 there was some sort of wisdom that that piece of land and the one across the street where the clinic  
26 is were better suited for commercial use than they are now being considered. In his mind, it was a  
27 way of fixing what was a devaluation of the space that was done previously, if that made sense.

28 Hugh said it did and thanked him. He thought it would be part of the work they would do when  
29 they looked at the Village Center and a whole as they go through the process of updating the  
30 bylaws and the town plan that was modified in 2018 or 2020.

31 Jean-Carlo said he wasn't trying to distract from what Preston had put forward and had done an  
32 amazing job presenting his case and putting his suggestion forward. He just wanted to add that  
33 perspective. It wasn't a new thing but reinstating something that was taken away.

34 Hugh thought it was a good point of view.

35 Tim said there was a comment from the Chester Telegraph asking for a description of the business  
36 and wondered if Rob could give them a quick description of the business for the record.

37 Rob Haussein said they have a business that adds value to agricultural products: maple syrup and  
38 peppers. Everything they do is made with maple syrup. They are small time sugar makers with a  
39 specialty in savory maple condiments, like barbeque sauce, hot sauce, and their smoked maple  
40 syrup. They are excited about looking at the McLure property. They don't like to think it benefits  
41 them specifically, but it benefits the moment for Chester to have viable businesses at that location.

42 Hugh thanked him.

43 Cathy added the Planning Commission would be doing a housing study and she verified with Jason

1 that they could start the study immediately if they wanted to. The study was to help them figure  
2 out what to do with things like the Village Center District.

3 Barre pointed out that Douglas Curtis who was on via Zoom was in Chicago and could be the  
4 furthest away attending the meeting. Doug said it was a thrill a minute and that he had gotten to  
5 know all of them and it was really great.

6 Hugh didn't know how much time they wanted to spend deciding what their next meeting agenda  
7 was. He proposed he would work to try to put the agenda together. He didn't think it made sense  
8 for him to get the agenda together before they closed meeting. He needed a little more time to put  
9 the proposed agenda for the next meeting.

10 Peter said as he was putting it together, he would love to see Preston's wish list. If there were small  
11 changes and things that needed to be made to make his job easier, he wanted to see that list. Preston  
12 said he could put together a wish list. He said they use the word legacy but there was a fair amount  
13 of information out there about adaptive reuse, which was a buzzword for saying big buildings that  
14 don't fit zoning, like a great big barn and what you do with it. He could research that.

15 Hugh said the last thing he would say as it relates to future topics for the Planning Commission,  
16 since they were turned over to a new chair. He had a list of things he was thinking about. Everyone  
17 on the Planning Commission, including Preston, should feel free to send him things that should be  
18 on their docket and he has a list he's started. People could send him whatever they think are issues  
19 or matters they should discuss. And at one of the meetings, they can throw that list out on the table  
20 in a brainstorming session and try to figure out how to move out on it. One of the first things they'll  
21 do is sort the list out and set the work priorities.

22 **Agenda Item 6, Adjournment**

23 Peter moved and Tim seconded to adjourn the meeting. A vote was taken, and it passed  
24 unanimously. The meeting was adjourned at 8:10 p.m.